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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/629,422

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Richard Allen Shoobridge

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CLEVELAND, OH 44114

EXAMINER

TRINH, TAN H

ART UNIT

PAPER NUMBER

2618

DATE MAILED: 04/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/629,422

Applicant(s)

SHOOBRIDGE, RICHARD ALLEN

Examiner

TAN TRINH

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 22-30 is/are allowed.
- 6) ☒ Claim(s) 1-7, 13-18 and 21 is/are rejected.
- 7) ☒ Claim(s) 8-12, 19 and 20 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Double Patenting

1. Claims 1-30 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-20 of U.S. Patent No. 6,633,769. Although the conflicting claims are not identical, they are not patentably distinct from each other, because the limitations of the claims of the instant application are broad enough to be encompassed by the limitations of the claims of the U.S. Patent No. 6,633,769 and as such it would have been obvious to one of ordinary skill in the art to implement the claims of the instant application using the claims of the U.S. Patent No. 6,633,769 in order to implement a method and system using.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-7, 13-15 and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishihara (U.S. Pub. No. 20010012794) in view of LI (U.S. Patent No. 6356538).

Regarding claim 1, Nishihara teaches a mobile communication device (see fig. 2), comprising: a first power system (see fig. 2 and 4, first power system when 2a-b in parallel) and a second power system (see fig. 2 and 5, when second power 2a and 2b in series); and a radio device that processes radio signals and receives power from the second power system (see fig. 2,

and 5, page 5-6, section [0061] and [0063-0068]), the radio device controls the first power system to operate in at least one operating state in response to a operating status of the portable telephone (see fig. 2 and 4, control 7 and 12, processor 17 receives power from first power system 2a-b in parallel, page 5, section [0061 and 0062]). But Nishihara fails to teach the power system operating state in response to operating status of the radio signals.

However, Li teaches the radio device controls the power system to operate in at least one operating state in response to a status of the radio signals (see col. 2. lines 6-67 and col. 6, lines 24-28, col. 7, lines 3-66).

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify above teaching of Nishihara and by the providing of Li on the response to a status of the radio signals to switching power system on normal mode or sleep mode, in order to provide user with increased battery life and allows greater talk time, longer stand by times, on the power consumption for telephone communication (see Li col. 1, lines 24-27).

Regarding claim 2, Li teaches the radio device facilitates the first power system entering a normal power state of the at least one operating state when the status of the radio signals indicates at least one of establishing a connection and establishing a session (see fig. 4, col. 6, lines 32-57).

Regarding claim 3, Li teaches the radio device facilitates the first power system entering a low power state of the at least one operating state when the status of the radio signals indicates termination of a session (see col. 5, lines 60-col. 6, lines 27).

Regarding claim 4, Li teaches a low power state of the at least one operating state is associated with a communication session of a session stack being stored in a memory (see fig. 6, col.5, lines 59-col. 6, lines 27, col. 7, lines 6-20).

Regarding claim 5, Li teaches a normal power state of the at least one operating state is associated with a communication session stored in a memory being placed in a session stack (see fig. 6, col. 7, lines 3-27).

Regarding claim 6, Li teaches the communication session is a previous communication session that facilitates quick re-establishment of communication with another device (see col. 7, lines 3-63).

Regarding claim 7, Nishihara teaches the first power system powers a central processing system that operatively communicates with the radio device (see fig. 2 and 4, control 7 and 12, processor 17 receives power from first power system 2a-b in parallel, page 5, section [0061 and 0062]).

Regarding claim 13, Li teaches the at least one operating state includes an enhanced mode that maintains the radio device in a communication session while the first power system is in a sleep mode (see figs. 4 and 6, normal operation mode and low power mode, col. 2, lines 6-26).

Regarding claim 14, Li teaches a cellular telephone (see fig.1, col. 2, lines 6-13).

Regarding claim 15, Li teaches further comprising an input device that allows a user to select between at least a normal mode and an enhanced mode (see selection circuit col. 7, lines 17-col. 8, lines 58).

Regarding claim 17, Nishihara teaches a mobile communication device (see 2), comprising: a central processing system that receives power from a first power system (see fig. 2 and 4, control 7 and 12, processor 17 receives power from first power system 2a-b in parallel, page 5, section [0061 and 0062]); and a radio device that receives power from a second power system (see fig. 2 and 5, when second power 2a and 2b in series), the radio device processes radio signals and signals the central processing system to operate in at least one operating state in response to a operating status of the portable telephone (see fig. 2, and 5, page 5-6, section [0061] and [0063-0068]). But Nishihara fails to teach the power system operating state in response to operating status of the radio signals.

However, Li teaches the radio device controls the power system to operate in at least one operating state in response to a status of the radio signals (see col. 2. lines 6-67 and col. 6, lines 24-28, col. 7, lines 3-66).

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify above teaching of Nishihara and by the providing of Li on the response to a status of the radio signals to switching power system on normal mode or sleep

mode, in order to provide user with increased battery life and allows greater talk time, longer stand by times, on the power consumption for telephone communication (see Li col. 1, lines 24-27).

Regarding claim 18, Nishihara teaches the radio device facilitates the first power system entering a normal power state of the at least one operating state when the status of the radio signals indicates at least one of establishing a connection and establishing a session (see fig. 2, and 5, page 5-6, section [0061] and [0063-0068]), and the radio device facilitates the first power system entering the low power state of the at least one operating state when the status of the radio signals indicates termination of the session (see fig. 2 and 4, control 7 and 12, processor 17 receives power from first power system 2a-b in parallel, page 5, section [0061 and 0062]).

4. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nishihara (U.S. Pub. No. 20010012794) in view of LI (U.S. Patent No. 6356538) further in view of Pleso (u.S. Patent No. 5835366).

Regarding claim 16, Nishihara or Li fails to teach the radio device is at least one PCMCIA card.

However, Pleso teaches the radio device is at least one PCMCIA card (see col. 4, lines 55-col. 5, line 3).

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify above combination of Nishihara and LI with Pleso on PCMCIA card, in order to

provide user with the laptop PC for wireless communication the network easier.

5. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nishihara (U.S. Pub. No. 20010012794) in view of Roo (U. S. Patent No. 6397088).

Regarding claim 21, Nishihara fails to teach further comprising a battery backup module that supplies power when at least one of a battery module is being replaced and the battery module fails.

However, Roo teaches a battery backup module that supplies power when at least one of a battery module is being replaced and the battery module fails (see fig. 1, power fail detector 134, for switching to emergency power supply or auxiliary battery 130 for backup).

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify above teaching of Nishihara and by provide of the teaching of Roo on power backup, in order to provide user maintain connection when main power is failed.

Allowable Subject Matter

6. Claims 22-30 are allowed.

7. Claims 8-12 and 19-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Reasons for allowance

8. The following is an examiner's statement of reasons for allowance:

Regarding independent claims 22 and 30, the reference of Nishihara teaches a central processing system that receives power from a first power system (see fig. 2 and 4, control 7 and 12, processor 17 receives power from first power system 2a-b in parallel, page 5, section [0061 and 0062]); and a radio device that receives power from a second power system (see fig. 2 and 5, when second power 2a and 2b in series), and reference of Li teaches the radio device controls the power system to operate in at least one operating state in response to a status of the radio signals (see col. 2, lines 6-67 and col. 6, lines 24-28, col. 7, lines 3-66). However, Nishihara and Li or the prior art of record fail to disclose a method of maintaining a communication session in a mobile communication device, comprising: receiving a first power system that supplies power to a central processing system and a second power system that supplies power to a radio device; creating at least a communication session in a session stack during an operating state of the central processing system when communication is established with a remote device; and passing the communication session between the session stack and a memory of the central processing system in accordance with the operating state and for copying the communication session from the session stack to the memory of the central processing system when the operating state is a low power operating state; and means for copying the communication session into the session stack from the memory to re-establish the communication session when the operating state is a normal power operating state as cited in claim 22 and 30.

Regarding dependent claims 8-9 and 11, Nishihara and Li or the prior art of record fail to disclose the central processing system enters a low power state of the at least one operating state only after a communication session is stored in a memory as cited in claim 8, and the central processing system receives a wake-up signal from the radio device when a communication signal

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from a second device is directed to the mobile communication device, such that a communication session is copied from a memory to a session stack to reestablish a communication session as cited in claim 9. And the at least one operating state includes a normal mode that loads a device driver of the radio device as cited in claim 11.

Regarding dependent claims 19-20, Nishihara or Li teaches a low power state. However, Nishihara and Li or the prior art of record fail to disclose a low power state of the at least one operating state is associated with a communication session of a session stack being stored in a memory, and a normal power state of the at least one operating state is associated with the communication session stored in the memory being copied therefrom and placed in the session stack as cited in claim 19. And the central processing system enters a low power state of the at least one operating state only after a communication session is stored in a memory and wakes up from the low power state when the radio signals are received from a second device, such that the communication session is resumed by copying the session stack from the memory into a session stack to reestablish the communication session as cited in claim 20.

Conclusion

9. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(571) 273-8300, (for Technology Center 2600 only)

Hand-delivered responses should be brought to the Customer Service Window (now located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314).

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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tan Trinh whose telephone number is (571) 272-7888. The examiner can normally be reached on Monday-Friday from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiners supervisor, Anderson, Matthew D., can be reached at (571) 272-4177.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Technology Center 2600 Customer Service Office** whose telephone number is (703) 306-0377.

11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tan H. Trinh
Division 2618
April 11, 2006



Anderson, Matthew D. (SPE 2618)